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09/593,881	06/14/2000	H. Brock Kolls	BK-020-03	8159

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RATNERPRESTIA
P O BOX 980
VALLEY FORGE, PA 19482-0980

EXAMINER	
TRINH, TAN H	

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2684	11

DATE MAILED: 10/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/593,881	Applicant(s) KOLLS, H. BROCK	
	Examiner TAN TRINH	Art Unit 2684	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 June 2000* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18 and 20-30* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18, 20-29* is/are rejected.

7)☒ Claim(s) *30* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *4,7,10* .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Information Disclosure Statement

The information disclosure statement filed 10-9-2001, 11-25-2002 and 12-07-2002 has been received and placed of record in the file.

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1, 14 and 17-18 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 14 and 17-21 of U.S. Patent No. 6,389,337. Although the conflicting claims are not identical, they are not patentably distinct from each other because:

Claim 1 is disclosed by claim 1 of U.S. Patent No. U.S. 6,389,337.
Claim 14 is disclosed by claims 8 and 14 of U.S. Patent No. 6,389,337.
Claim 17 is disclosed by claim 17 of U.S. Patent No. 6,389,337.
Claim 18 is disclosed by claim 18 of U.S. Patent No. 6,389,337.

The claims 1, 8, 14 and 17-18 of U.S. Patent No. 6,389,337, encompassed the claims 1, 14 and 17-18 present invention. (Claims 20-21 are dependent claim of 17).

Allowable Subject Matter

3. Claim 30 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Reasons for allowance

4. The reference of Cannon (U.S. Patent No. 6,408,232), Spaur (U.S. Patent No. 5,732,074) and prior art of record fails to teach or suggest, the command and control data can includes enabling or disabling operation of the vehicle, as cited in claim 30.

Specification

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 15 and 16 are recites the same limitation. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this

subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-4, 6-8, 10-14, 22-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Cannon (U.S. Patent No. 6,408,232).

Regarding claim 1, Cannon teaches the communication interface device for managing wireless data communications between an in-vehicle device installed in a vehicle and a plurality of global network based data processing resources (see fig. 1, col. 1, lines 50-65), the communication interface device being located external to the vehicle (see fig. 1), the communication interface device comprising: a controller (see figs. 2 and 3, controller 18 and controller 32) ; a wireless transceiver interconnected with the controller for wirelessly data communicating between the in-vehicle device and the communication interface device (see fig. 2, controller 18); a plurality of communication interfaces interconnected with the controller for data communicating between the communication interface device and the plurality of global network based data processing resources (see col. 6, lines 14-38); and a memory (see col. 5, lines 15-22) interconnected with the controller for managing data communication between the wireless transceiver, and the plurality of communication (see col. 6, lines 46-col. 7, lines 67) means; wherein, data communication between the in-vehicle device and the plurality of global network based data processing resources is effectuated by way of the communication interface device (see col. 6, lines 46-col. 7, lines 67).

Regarding claim 2, Cannon teaches wherein the plurality of communication interfaces includes at least one of the following communication interface types: a universal serial bus port, a personal data assistant interface, an RS232 interface, an RS485 interface, a carrier current interface, a network connection to the internet, a modem interface, a wireless modem interface, a cellular phone transceiver, a cellular phone interface, a wireless data link, or a local area network interface (see col. 2, lines 49-67).

Regarding claim 3,Cannon teaches wherein the plurality of interfaces is a computer interface to a computer, the computer having data communication access to the plurality of global network based data processing resources, such that the in-vehicle device, by way of the computer interface, data communicates with at least one of the following: the computer, or the plurality of global network based data processing resources (see col. 6, lines 14-32).

Regarding claim 4, Cannon teaches wherein the communication interface device and the in-vehicle device data communicate with at least one of the following: a programmable storage device, a computer, a pocket sized personal computer, a pager, a wireless phone, or a personal data assistant (see col. 6, lines 33-38).

Regarding claim 6, Cannon teaches wherein the communication interface device is interconnected with at least one of the following: a computer, a pocket sized personal computer, a point of sale system, a database, a garage door opener, a gas pump, a toll booth, a change toll

booth, a wireless toll-pass system, a traffic light pole, a pole, a traffic light, a parking gate, a parking terminal, a store display, an internet appliance device, or a vehicle analyzer (see col. 5, lines 58-col. 6, lines 6).

Regarding claims 7 and 11, Cannon teaches the method of monitoring the location of a vehicle equipped with an in vehicle device (see fig. 2), the in-vehicle device wirelessly data communicates with a plurality of global network based data processing resources (see fig. 1), wherein wireless data communication between the in-vehicle device and the plurality of global network based data processing resources is effectuated by a communication interface device see col. 6, lines 14-38), the method comprising the steps of: from the communication interface device client side:

a) receiving a data communication at the communication interface device from the in-vehicle device, the data communication occurring when the in vehicle device is in wireless proximity with the communication interface device (see fig. 4);

b) routing the data communication to the plurality of global network based data processing resources (see col. 2, lines 49-67);

c) receiving a plurality of return data from the plurality of global network based data processing resources (see col. 3, lines 61-67);

d) communicating wirelessly the plurality of return data to the in-vehicle device from the plurality of global network based data processing resources server side (see col. 3, lines 61-67);

e) identifying the data communication received from the communication interface device (see col. 4, lines 26-53);

f) modifying a vehicle location database (see col. 4, lines 55-57);

g) determining appropriate the plurality of return data (see col. 4, lines 55-61); and

h) communicating the plurality of return data to the communication interface device for wireless data communication to the in-vehicle device (see col. 4, lines 55-61).

Regarding claim 8. Cannon teaches wherein the step of receiving return data includes receiving command and control data from the plurality of global network based data processing resources (see col. 8, lines 21-25).

Regarding claim 9, Cannon teaches wherein the communication interface device is an internet appliance device (see col. 8, lines 21-64).

Regarding claim 10. Cannon teaches wherein the step of modifying a vehicle location database includes modifying the vehicle location database for at least one of the following

applications: regulating attendance based on the vehicle entry to or exit from a parking area, enabling or disabling operation of the vehicle when the vehicle passes in wireless proximity to the communication interface device, route or trip progress tracking of the vehicle, calculating the vehicle rate of speed between a plurality of checkpoints, or calculating the vehicle rate of speed between the plurality of checkpoints for the purpose of identifying speeders (see col. 4, lines 31-62, col. 6, lines 46-col. 7, lines 67).

Regarding claim 12, Cannon teaches wherein the step of communicating a plurality of data between the in-vehicle device and the wireless device includes data communicating at least one of the following types of data: the vehicle data, the vehicle telemetry data, the vehicle metric data, the in-vehicle device data, the in-vehicle device digital content, the in-vehicle device settings, the vehicle data, the in-vehicle device system preferences, the in-vehicle device digital audio content, or the in-vehicle device digital video content (see col. 8, lines 21-32, col. 4, lines 44-61, and col. 5, lines 58-67).

Regarding claim 13, Cannon teaches wherein said wireless device is at least one of the following: a wireless phone, a personal data assistant, a pager, a pocket sized personal computer, an internet appliance device, or a programmable data storage device (see col. col. 6, lines 33-38).

Regarding claim 14, Cannon teaches wherein the wireless device data communicates with the in-vehicle device by way of at least one of the following methods: hard wired connection, infrared connection, BLUETOOTH standard and protocol, or WIRELESS APPLICATION PROTOCOL and standard (see col. 3, lines 11-17, and col. 6, lines 14-25).

Regarding claim 22. Cannon teaches the method of using a wireless device to transfer data between an in vehicle device installed in a vehicle (see fig. 1) and a computer located external to the vehicle (see fig.4), the computer being interconnected with a communication interface device (see fig. 4 item 406), the computer data communicates with the wireless device by way of the communication interface device(see fig. 4), comprising the steps of:
a) initiating a data communication between the wireless device and the in vehicle device (see fig. 4, item 404);
b) transferring data between the wireless device and in-vehicle device (see fig. 4, item 406);

c) transporting the wireless device to a physical location external to the vehicle and in wireless proximity to the communication interface device, wherein data communication between the wireless device and the communication interface device is effectuated (see fig. 1, col. 2, lines 49-67);

d) initiating a data communication between the wireless device and the communication interface device; and

e) transferring data between the wireless device and the computer by way of the communication interface device (see col. 6, lines 1-13).

Regarding claim 23, Cannon teaches wherein the wireless device is at least one of the following: a wireless phone, a personal data assistant, a pager, a pocket sized personal computer, an internet appliance device, or a programmable data storage device (see col. 6, lines 33-38).

Regarding claim 24, Cannon teaches wherein transferring data in steps b and a includes transferring data related to at least one of the following: data related to the vehicle, data related to the in-vehicle device, data related to the wireless device, data related to a user, data related to the user preferences, data from the computer, data stored within the wireless device or accessible by the wireless device, a database, or data from the plurality of global network based data processing resources (see col. 6, lines 46-67).

Regarding claim 25, Cannon teaches wherein: data communicated between in-vehicle device and the wireless transceiver is processed and or routed by the controller to the plurality of communication means for data communication to said plurality of global network based data processing resources; and or data communicated between the plurality of communication interfaces is processed and or routed by the controller to the wireless transceiver for data communication to the in-vehicle device (see figs. 2 and 3 of the controllers 18, 32 and 42).

Regarding claim 26, Cannon teaches wherein the managing of data communication between the in-vehicle device and the plurality of global network based data processing resources includes data and or protocol conversion between the wireless transceiver and or the plurality of communication (see col. 1, lines 50-col. 2, lines 9).

Regarding claim 27, Cannon teaches wherein the communication interface device manages data communication data flow including caching data communications from the wireless transceiver and or from the plurality of communication interfaces (see col. 3, lines 43-67).

Regarding claim 28, Cannon teaches wherein, data communication between the in-vehicle device and the communication interface device is effectuated by transferring data between at least one of the following: the computer, the pocket sized personal computer, a point of sale system, the programmable storage device, the personal data assistant, the pager, or the wireless phone (see abstract, lines 6-15).

Regarding claim 29, Cannon teaches wherein, a user effectuates the data communication between the communication interface and the in-vehicle device by physically carrying the data communication device between the in-vehicle device and the communication interface (see col. 6, laptop pc lines 39-45).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10. Claims 5, 9 and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cannon (U.S. Patent No. 6,408,232) in view of Spaur (U.S. Patent No. 5,732,074).

Regading claims 5, 9 and 15-16, Cannon teaches the communication interface device is Computers, Modem, cell phone, PDA, wireless piconet and Bluetooth network (see col. 8, lines 21-64). But Cannon fails to show the internet appliance device.

However, Spaur teaches internet appliance device (see fig. 2, internet 68, 72 and 98 and 102, and col. 2, lines 25-35).

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Cannon system and by providing of the teaching of Spaur on the Internet use in the vehicle there to in order to have the internet appliance device connect to the WEB easier.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Caci (U.S. Patent No. 6,154,658) discloses vehicle information and safety control system.

Colson (U.S. Patent No. 6,181,994) discloses method and system for vehicle initiated delivery of advanced diagnostics base on the determined need by vehicle.

12. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tan Trinh whose telephone number is (703) 305-5622. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung, can be reached at (703) 308-7745.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Technology Center 2600 Customer Service Office** whose telephone number is **(703) 306-0377**.

Tan H. Trinh
Art Unit 2684
October 18, 2003